

21/06/04 – Traduction de courtoisie

Indications such as "new", "complemented", etc, are intended to ease the comparison with document E/CN.4/2004/WG22/WP.1/Rev.1 of 1 december 2003.

**Preamble (new)**

The States Parties to the [present instrument],

Recalling the Declaration on the Protection of all Persons from Enforced Disappearances adopted by the General Assembly of the United Nations in its resolution 47/133 of 18 December 1992;

Conscious of the extreme gravity of enforced disappearance which constitute a crime and, in certain circumstances, a crime against humanity;

Determined to fight against the impunity of the crime of enforced disappearance ;

Affirming the right of victims to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person ;

Have agreed as follows :

**Part I**

**Article 1**

For the purposes of [the present instrument] enforced disappearance is considered to be the deprivation of a person's liberty, in whatever form, committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law.

**Article 1bis (new)**

1. No one shall be subjected to enforced disappearance.
2. (from former III-E) No circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other state of emergency, may be invoked as a justification of enforced disappearance.

**Article 2 (modified)**

1. Each State Party shall take the necessary measures to ensure that enforced disappearance, as defined in article 1, [redacted] constitutes an offence under its criminal law.
2. Each State Party shall take equivalent measures when persons or groups of persons acting without the authorization, support or acquiescence of the State are responsible for [redacted] defined in article 1.

**Article 2 bis (new)**

The widespread or systematic practice of enforced disappearance constitutes a crime against humanity and shall attract the consequences provided for under international law.

**Article 3 (reorganised)**

1. Each State Party shall take the necessary measures to pursue and punish those who commit or contribute to the commission of an enforced disappearance.
2. The following shall be punished [redacted]
  - a) the perpetrators of and accessories [redacted] an enforced disappearance.
  - b) the attempts to commit an enforced disappearance [redacted]
  - c) the conspiracy to commit an enforced disappearance [redacted]
3. The following shall also be punished [redacted] with the domestic [redacted]
  - a) persons who order or encourage [redacted] the commission or attempted commission of such an offence, and persons who facilitate its commission or attempted commission by aiding, abetting or otherwise assisting in it, including providing the means for its commission or attempted commission, shall be punished, [redacted]
  - b) a superior officer who:
    - (i) either knew, or consciously disregarded information which clearly indicated, that subordinates were committing or about to commit an enforced disappearance, and who
    - (ii) failed to take all necessary and reasonable measures within his or her power to prevent or repress the enforced disappearance or to submit the matter to the competent authorities for investigation and prosecution.
4. (former 6) An order of a superior officer or a public authority may not be invoked as a justification of an enforced disappearance.

#### Article 4

1. Each State Party shall make enforced disappearance punishable by appropriate penalties which take into account its extreme seriousness.
2. Each State Party may establish :
  - a) mitigating circumstances inter alia for persons who, having been involved in the commission of an enforced disappearance, effectively contribute to bringing the disappeared person forward alive, or contribute to elucidating cases of enforced disappearance or identifying the perpetrators of an enforced disappearance.
  - b) (complemented) Aggravating circumstances inter alia in the event of death of the victim or the commission of an enforced disappearance in respect of pregnant women, minors or other particularly vulnerable persons.

#### Article 5 (modified)

Without prejudice to article 2 [redacted] is,

1. Each State Party which applies a statute of limitations in respect of enforced disappearances shall take the necessary measures to ensure that the term of limitation for criminal proceedings :
  - a) is of long duration and proportionate to the extreme seriousness of the offence;
  - b) shall commence from the moment when [the offence of enforced disappearance ceases and] the fate of the disappeared person is established [redacted]

2. The statute of limitations for criminal proceedings under paragraph 1 shall be suspended in a State Party as long as any victim of enforced disappearance does not have an effective [redacted] remedy.

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Article 6 (see 3,3)

Article 7 (deleted) [redacted]

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Article 8 (deleted) [redacted]

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Article 9 (reorganised and modified)

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over an enforced disappearance :

a) when the offence is committed within any territory under its jurisdiction or on board a vessel flying its flag or an aircraft registered in accordance with its law at the time of the [redacted] facts;

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b) when the alleged perpetrator of the offence is one of its nationals [redacted]

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c) when the disappeared person is one of its nationals and the State deems it appropriate to do so [redacted]

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2. Each State Party shall also take the necessary measures to establish its jurisdiction over an enforced disappearance when the alleged perpetrator of the offence is in a territory under its jurisdiction, unless the State extradites him or her or transfers him or her to another State or surrenders him or her to an international criminal tribunal whose jurisdiction it has recognised.

3. [The present instrument] does not exclude any criminal jurisdiction exercised in accordance with national laws.

Article 10 [redacted]

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1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed an enforced disappearance is present, shall take him or her into custody or take other legal measures to ensure his or her presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. The State Party which has taken the measures referred to in paragraph 1 shall immediately make an investigation into the facts. It shall notify the States Parties which may have jurisdiction in accordance with paragraph 1 of article 9 of the measures which it has taken under paragraph 1 of this article, particularly of the fact that such person is in custody and of the circumstances which warrant his or her detention, the findings of its investigation and shall indicate to those States whether it intends to exercise jurisdiction.
3. Any person in custody pursuant to paragraph 1 shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he or she is a national, or, if he or she is a stateless person, with the representative of the State where he or she usually resides.

Article 11 [redacted]

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1. The State Party in the territory under whose jurisdiction a person alleged to have committed any enforced disappearance is found shall, if it does not extradite him or her or transfer him or her to another State or surrender him or her to an international criminal tribunal whose jurisdiction it has recognised, submit the case to its competent authorities for the purpose of prosecution.
2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in paragraph 2 of article 9, the standards of

evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in paragraph 1 of article 9.

3. *(modified)* Any person charged with an offence of enforced disappearance shall be tried by an independent and impartial court, duly established by law, which guarantees the right to a fair trial [redacted] B5
4. *(new)* Any person regarding whom proceedings are brought in connection with an enforced disappearance shall be guaranteed fair treatment at all stages of the proceedings [redacted] B5

*Article 12 (modified)*

1. Each State Party shall ensure that any person who alleges that someone has been subjected to enforced disappearance has the right to complain to a competent authority, which thoroughly investigates the complaint immediately and impartially. Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, the relatives of the disappeared person and their defence counsel as well as those participating in the investigation are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.
2. Whenever there are reasonable grounds to believe that a person has been subjected to enforced disappearance, any State Party shall refer the matter to the authority referred to in paragraph 1 for it to launch an investigation, even if there has been no formal complaint.
3. *(new)* Each State Party shall ensure that the [redacted] authority referred to in paragraph 1: B5
  - a) has the necessary powers and resources to conduct the investigation, including the power to compel suspected perpetrators and witnesses to appear before it,
  - b) is communicated the necessary information for its investigation;
  - c) has access to any place where it is suspected that a disappeared person is present.
4. *(former 12.6, complemented)* Each State Party shall take the necessary measures to prevent and punish acts of such a kind as to inhibit the progress of investigations. It shall ensure, particularly, that persons suspected of having committed an enforced disappearance are not in a position to influence the progress of the investigations by means of pressure or acts of intimidation or reprisal against the complainant, the witnesses, the relatives of the disappeared person, the defence counsel as well as those participating in the investigation..
5. *(new)* The investigation pursuant to the present article shall be conducted in conformity with international principles for investigations on human rights violations, torture, search of disappeared persons, forensic examination and identification. [redacted] B5

*Article 13 (modified)*

1. For purposes of extradition between States Parties, enforced disappearance shall be considered to be neither a political offence, nor an offence related to a political offence or an offence prompted by political motives. Consequently, a request for extradition based on enforced disappearance cannot be refused solely because it concerns a political offence, an offence related to a political offence or an offence prompted by political motives.
2. Enforced disappearance shall automatically be included among the extraditable offences in every extradition treaty concluded between States Parties before the entry into force [of the present instrument].
3. States Parties undertake to include the offence of enforced disappearance among the extraditable offences in every extradition treaty to be concluded subsequently between them.

4. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider [*the present instrument*] as the legal basis for extradition in respect of enforced disappearance.
5. Any State Party which does not make extradition conditional on the existence of a treaty shall recognise the offence of enforced disappearance as extraditable.
6. Extradition shall, in all cases, be subject to the conditions provided by the law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition or subject extradition to conditions.
7. No provision [*of the present instrument*] shall be interpreted as imposing an obligation on the requested State Party to extradite if that State has serious grounds to believe that the request was put forward for the purpose of prosecuting or punishing a person on account of his or her gender, race, religion, nationality, ethnic origin or political opinions, or that to allow the request would cause harm to that person for any one of those reasons.

**Article 14 (modified)**

1. States Parties shall provide one another the greatest measure of legal assistance in connection with any criminal investigation or proceedings brought in respect of enforced disappearance, including the supply of all evidence at their disposal that are necessary for the proceedings.
2. Such legal assistance is subject to the conditions provided by the domestic law of the requested State Party or by applicable treaties on mutual legal assistance, including, particularly, concerning the grounds on which the requested State Party may refuse to provide legal assistance or subject such assistance to conditions.

**Article 15 (modified)**

States Parties shall co-operate with one another and shall provide one another the greatest measure of assistance with a view to assisting victims of enforced disappearance, and in searching for, locating and releasing disappeared persons and, in the event of death, in their exhumation, identification and  of their remains.

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**Article 15 bis (former 21)**

1. No State Party shall expel, return ("*refouler*") or extradite a person to another State where there are substantial grounds for believing that he/she would be in danger of being subjected to an enforced disappearance.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of humanitarian law.

**Article 16 (reorganised and modified, see 16 bis below)**

1. Each State Party shall, under its law,
  - a) indicate those officials who are authorised to order deprivation of liberty;
  - b) establish the conditions under which such orders may be given;
  - c) guarantee that any person deprived of liberty shall be held solely in an officially recognised and controlled place;
  - d) guarantee access  of the judicial authorities to places of deprivation of liberty;

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- e) guarantee that any person deprived of liberty, in all circumstances, shall have the right to bring proceedings before a court which shall rule without delay on the lawfulness of the deprivation of liberty and order his or her release if that deprivation of liberty is unlawful.
2. Each State Party shall compile and maintain one or several official up-to-date registers of persons deprived of liberty. The information contained in these registers shall include at least the following :
- a) the identity of the person deprived of liberty,
  - b) the authority having decided the deprivation of liberty,
  - c) the authority controlling the deprivation of liberty,
  - d) the date and time of admission in the place of detention and the authority responsible for the place of detention,
  - e) The date and time of liberation or transfer to another place of detention, the destination and authority in charge of the transfer.

#### Article 16 bis

1. Each State Party [redacted] shall guarantee the person deprived of liberty, his or her relatives, their legal representatives, their counsel, and any person authorised by them, as well as any person able to claim a legitimate interest access, as a minimum, to the following information :
- a) the authority to which the person has been handed over;
  - b) the authority having decided the deprivation of liberty;
  - c) the authority controlling the person deprived of liberty;
  - d) the whereabouts of the person deprived of liberty, including in case of transfer;
  - e) date and place of release;
  - f) state of health and, in the event of death, circumstances and causes of the death.
2. Appropriate measures shall be taken, where necessary, to ensure the protection of the persons mentioned in paragraph 1 as well as the persons participating in the investigation against all ill-treatment; intimidation or any sanction on the grounds of the search of information concerning a person deprived of liberty.
3. (new) In order not to jeopardise the privacy of the persons concerned, the information transmitted pursuant to paragraph 1 of the present article shall [redacted] shall not be used for other purposes than the search of the person deprived of liberty.

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#### Article 17

Without prejudice to consideration of the lawfulness of a deprivation of liberty, States Parties shall guarantee to the relatives of the person deprived of liberty or of a disappeared person, their legal representatives, their counsel and any person authorised by the person deprived of liberty or the disappeared person or by his/her relatives, as well as any other person able to claim a legitimate interest the right to a prompt and effective remedy as a means of obtaining without delay the information referred to article 16 bis. This right to a remedy may not be suspended or restricted in any circumstances.

#### Article 18 (complemented)

Each State Party shall take the necessary measures to ensure that the release of persons shall proceed in a manner that allows reliable verification that they have actually been released. Each State Party shall also take

the necessary measures so that the physical integrity of all such persons and their ability to exercise fully their rights are assured at the time of release, without prejudice to the obligations to which such persons may be subject in accordance with the law.

#### Article 19

Each State Party shall take the necessary measures to prevent and punish the following actions:

- a) delaying or obstructing the remedy referred to in article 17;
- b) failure to the obligation to register every deprivation of liberty and registration of information which the official responsible of the register knows or should know to be inaccurate;
- c) refusal by an official to provide information on the deprivation of liberty of a person, or the provision of inaccurate information, even though the legal conditions for this information to be provided have been fulfilled.

#### Article 20 (complemented)

1. Each State Party shall ensure that the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty shall include the necessary education and information on the provisions *[of the present instrument]*, in order to:
  - a) prevent the involvement of these officials in enforced disappearances;
  - b) draw attention to the importance of prevention and investigations concerning enforced disappearances;
  - c) ensure that the urgent need to resolve cases of enforced disappearance is acknowledged.
2. Each State shall prohibit orders or instructions commanding, authorising or encouraging enforced disappearance. Each State Party shall guarantee that a person refusing to obey such order will not be subject to sanction.
3. Each State Party shall take the necessary measures to ensure that the persons referred to in paragraph 1 who have reasons to believe that an enforced disappearance has occurred or is planned communicate the matter to their superior authorities and, when necessary, to competent authorities or organs with reviewing or remedial power.

#### Article 21 (see 15 bis)

#### Article 22 (modified and complemented)

1. For the purposes of *[the present instrument]*, "victim" means the disappeared person and any natural person who has suffered direct harm as a result of that disappearance.
2. Each State Party shall take the necessary measures so that any victim knows the truth concerning the circumstances of the enforced disappearance and the fate of the disappeared person. It shall, in particular, take the necessary measures to search for, locate and release disappeared persons and, in the event of death, return the human remains.
3. Each State Party shall guarantee the right *[to obtain]*  prompt, fair and adequate reparation for the harm caused to victims of enforced disappearance.
4. The right to obtain reparation referred to in paragraph 3 includes *[integral]* compensation for material and non-material damage. It may also include, in particular:
  - a) restitution,

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- b) rehabilitation,
  - c) satisfaction,
  - d) restoration of honour and reputation.
5. Without prejudice to the obligation to continue the investigation until the fate of the disappeared person is elucidated, each State Party shall take the necessary measures with regard to the legal situation of the disappeared persons whose fate has not been elucidated and of their relatives in fields such as social protection, financial matters, custody of children and property rights.

**Article 23 (complemented)**

1. Each State Party shall take the necessary measures to prevent and to   punish in a criminal court : |
- a) the abduction or appropriation of children victims of enforced disappearance, children whose father or mother is victim of enforced disappearance or children born during the detention of their disappeared mother;
  - b) the falsification or suppression of documents attesting to the true identity of a child referred to in subparagraph (a).
2. Each State Party shall take the necessary measures to search for and identify children referred to in subparagraph (a) and (b).

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**Article 24**

State Parties   grant each other assistance in the search for, the identification and the location of children referred to in article 23. |

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**Article 25**

1. When a child who has been abducted or appropriated in the circumstances described in article 23, paragraph (a), is found on the territory of a State party, the question of the child's return to his or her family of origin shall be resolved either under the domestic law of that State party, or under the bilateral or multilateral agreement which that State has entered into with another State in which the family of origin lives.
2. In all cases, the best interests of the child are a primary consideration, and a child who is capable of judgement shall have the right to express his or her views freely and to have them given due weight in the light of his or her age and level of maturity.



Part IIArticle 0 (new)

1. A [monitoring body] shall be established to assist, as appropriate, in ensure the implementation of the [present instrument] and the respect by State Parties of their commitments. [A monitoring
2. When [redacted] While exercising their mandate [redacted] the members of the [monitoring body] shall be entitled to privileges and immunities [redacted] in the Convention on Privileges and Immunities of the United Nations.
3. Each State Party shall undertake to co-operate with the [monitoring body] and to grant assistance to its members in the exercise of their mandate.

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Article II-A (modified)

1. Each State Party shall submit to [the monitoring body], through the Secretary-General of the United Nations, a report on the measures taken [redacted] its undertakings under [the present instrument], within one year after the entry into force [of the present instrument] in respect of the State concerned.
2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.
3. Each report shall be considered by [the monitoring body], which may make such comments, observations, recommendations and warnings as it considers appropriate. The State Party concerned shall receive communication of such comments, observations, recommendations and warnings, to which that State may respond, on its own initiative or at the request [of the monitoring body].

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Article II-B (modified)

1. Each State Party or the relatives of a disappeared person, their legal representatives, their counsel, and any person authorised by them, as well as any person able to claim a legitimate interest may submit a request to [the monitoring body] to seek and find a person who has disappeared within the meaning of article 1.
2. Should [the monitoring body] consider that a request submitted under paragraph 1 is not manifestly unfounded, that it does not constitute an abuse of the right of submission and that it is not incompatible with the provisions [of the present instrument] [the monitoring body] shall request any State Party to provide information on the situation of that person, within a time-limit set by [the monitoring body].
3. In the light of the response provided by the State Party concerned in accordance with paragraph 2, [the monitoring body] shall make a recommendation or transmit an [redacted] to that State. [The monitoring body] may also [instruct][urge] that State to take appropriate measures and to report to it on those measures, within a time-limit set by [the monitoring body].
4. [The monitoring body] shall establish its conclusions and forward them to any State Party which has been requested to provide information and to the author of the request referred to in paragraph 1.
5. The procedure under this article is confidential.

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B5Article II-C (modified) [redacted]

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1. If [*the monitoring body*] considers that a visit to the territory of a State Party under whose jurisdiction a disappeared person could be is essential in order to respond to the request submitted to it in accordance with Article II-B, [*the monitoring body*] may request one or more of its members to undertake an investigation mission and to report back without delay. The member or members [*of the monitoring body*] conducting the mission may be accompanied if necessary by interpreters, secretaries and experts. No member of the delegation, with the exception of the interpreters, may be a national of the State Party to which the visit is to be made.
2. [*The monitoring body*] shall notify the State Party concerned in writing of its intention to organise an investigation mission, indicating the composition of the delegation. The State Party shall inform [*the monitoring body*] without delay of its agreement or opposition to the investigation mission in the territory over which it has jurisdiction.
3. If the State Party agrees to the investigation mission, it shall provide [*the monitoring body*] with all the necessary facilities to enable the mission to be carried out. [*The monitoring body*] may, inter alia:
  - a) make such visits as it may consider necessary to search for and find the person who has disappeared;
  - b) make contact freely with any person whom it believes may provide useful information on the fate of the person who has disappeared;
  - c) have the person who has allegedly disappeared brought to it and discuss with him or her in private.
4. [*The monitoring body*] shall inform the following of the findings of the investigation mission:
  - a) the State Party in whose territory the investigation mission was carried out;
  - b) the author of the request referred to in paragraph 1 of article II-B.
5. The procedure under this article is confidential.

**Article II-C bis (new)**

1. ☐ [*The monitoring body*] considers ~~a~~ a communication presented by the relatives of a disappeared person, their legal representatives, their counsel, and any person authorised by them, as well as any person able to claim a legitimate interest ~~alleging grave breaches~~ in the implementation of the commitments taken under the [*present instrument*] ☐ unless
  - a) the communication lacks sufficient motivation or is obviously unfounded;
  - b) the same matter is being examined under another procedure of international investigation or settlement;
  - c) the complainant has not exhausted all available effective domestic remedies.
2. If the [*the monitoring body*] assesses that the communication fulfils the conditions under paragraph 1, [*the monitoring body*] transmits the communication to the State Party concerned and requests this State Party to provide observations and comments within a time-limit set by the [*monitoring body*].
3. On the basis of the answer of the State Party, [*the monitoring body*] may decide :
  - a) to close the matter of the communication;
  - b) to continue its examination;
  - c) to make a recommendation to the State Party.
4. The procedure under the present article comes to an end when the [*monitoring body*] communicates the conclusions of its investigation to the State Party and to the author of the communication.

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5. The procedure under this article is confidential.

**Article II-C ter (new)**

If the [monitoring body] receives reliable information which appears to it to contain well-founded indication that enforced disappearance is being practised in a systematic or general manner in the territory of a State Party, the [monitoring body] may seize the Secretary General of the United Nations, after having enquired with the State Party concerned about any pertinent information and the measures taken to put an end immediately to such practises.

**Article II-D (integrated in II-O§2)**

**Article II-E (complemented)**

1. [The monitoring body] has competence solely in respect of deprivations of liberty which commenced after the entry into force [of this instrument].
2. Should a State become party to [this instrument] after its entry into force, the obligations of that State towards [the monitoring body] concern only deprivations of liberty which commenced after the entry into force [of this instrument] in respect of the State concerned.
3. (new) Each State Party may at any time declare that, in its own respect, it recognises that the [monitoring body] has competence in respect of enforced disappearances which commenced before entry into force of the [present instrument].

**Article II-F (modified)**

1. The [monitoring body] shall submit an annual report on its activities [under the present instrument] to the States Parties and to the General Assembly of the United Nations.
2. (new) If, in the procedures under articles II-B and II-C bis, a State Party concerned obviously refuses to co-operate or if the procedures yield to no effective result, the [monitoring body] may decide to make an observation public, with regard to the matter or the situation at stake.
3. (new) The State Party concerned shall be informed in advance of the publication of an observation under paragraph 2 of the present article. This observation shall be published together with the answers, comments or observations transmitted by the State Party within the time-limit set by the [monitoring body].

**PART III****Article III -O (former 2.2)**

[The present instrument] is without prejudice to any other international instrument or national legislation that does or may contain provisions of broader application.

**Article III-O bis (new)**

Personal data, including medical or genetic data, which are transmitted in the framework of the search of a disappeared person shall not be used for other purposes than that of the search of the disappeared person.

**Article III-A**

1. [The present instrument] is open for signature by [...].
2. [the present instrument] is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. [The present instrument] is open to accession by [...]. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

**Article III-B**

1. [The present instrument] shall enter into force on the thirtieth day after the date of deposit of the [Xth] instrument of ratification or accession.
2. For each State ratifying [the present instrument] or acceding to it after the deposit of the [Xth] instrument of ratification or accession, [the present instrument] shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

**Article III-C**

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed [ the present instrument] or acceded to it of the following:

- a) Signatures, ratifications and accessions under article III-A;
- b) The date of entry into force of [the present instrument] under article III-B.

**Article III-D**

The provisions of [the present instrument] shall apply, without limitation or exception, to all parts of federal States.

**Article III-D bis (new)**

1. Any State, upon signature, ratification or accession, may declare that [the present instrument] will be extended to any territory for which it is responsible with regard to international relations. Such a declaration will take effect when [the present instrument] enters into force for the State concerned.
2. At any time, such an extension may be notified to the Secretary General of the United Nations and will take effect (...) days after it has been received by the Secretary General.

**Article III-E (integrated in I bis, paragraph 2)****Article III-F**

[*The present instrument*] is without prejudice to the provisions of international humanitarian law, including the obligations of the High Contracting Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, or the option available to any State to authorise the International Committee of the Red Cross to visit places of detention in cases for which international humanitarian law does not provide.

**Article III-G**

1. Any State Party to [*the present instrument*] may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to [*the present instrument*] with a request that they notify him or her whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the State Parties to [*the present instrument*] have accepted it in accordance with their respective constitutional processes.
3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of [*the present instrument*] and any earlier amendments which they have accepted.

**Article III-H**

1. [*The present instrument*], of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of [*the present instrument*] to all States.